

## **PERA Section-by-Section**

### **Section 1: Short Title**

Provides short title of the bill as the “Presidential Election Reform Act”.

### **Section 2: Findings**

Establishes Congress’s findings with respect to the need for electoral reform.

### **Section 3: Timing of Appointing Electors**

Amends 3 U.S.C. § 1 to require states’ electoral appointments to occur pursuant to state laws enacted prior to Election Day.

### **Section 4: Permitting Extension of Time for Presidential Election in Event of Catastrophic Event Potentially Affecting Outcome**

Amends 3 U.S.C. § 2 to ensure that any extension of time in a state’s presidential election shall only occur pursuant to a catastrophic event affecting a potentially outcome determinative portion of the state’s ballots.

Requires that any such extension be issued pursuant to a federal court order that may only be requested by a presidential candidate appearing on the ballot in that state.

Limits any such extension to the affected geographic area and the shortest duration necessary and provides that any extension shall conclude no later than five days after Election Day.

### **Section 5: Timing of Enactment of Laws Providing for Vacancies in Electoral College**

Amends 3 U.S.C. § 4 to require states’ filling of electoral vacancies to occur pursuant to state laws duly enacted prior to Election Day,

### **Section 6: Repeal of “Safe Harbor” Rules for Determination of Controversy Regarding Appointment of Electors**

Repeals 3 U.S.C. § 5, commonly known as the “safe harbor” provision.

### **Section 7: Certificates of Appointment of Electors**

Amends 3 U.S.C. § 6 to ensure that each state’s governor certifies the state’s electoral appointments no later than December 14 and transmits such certification to the state’s electors and the Archivist of the United States.

Authorizes any presidential or vice-presidential candidate appearing on the ballot in a state to file for federal judicial relief requiring the governor’s certification to conform to the results of the state’s electoral appointments. If the governor refuses, the court shall order another appropriate state official to issue the lawful certificate.

Requires the resulting certificate of appointment to be accepted as conclusive in the joint session of Congress to count electoral votes pursuant to 3 U.S.C. § 15.

### **Section 8: Date of Meeting and Vote of Electors**

Amends 3 U.S.C. § 7 to set each state's Electoral College meeting for December 23<sup>rd</sup>.

### **Section 9: Disposition of Certificates and Lists**

Amends 3 U.S.C. §§ 11, 12 and 13 to require each state's electors, secretary of state, and district judge, respectively, to transmit their state's electoral certificates by the most expeditious method available.

### **Section 10: Counting Electoral Votes in Congress**

Amends 3 U.S.C. § 15 to establish counting rules in the joint session of Congress to count electoral votes.

Provides that the presiding officer's authority at the joint session is ministerial and that he or she is bound by the rules of the section and lacks discretionary power to determine the validity of a state's electoral appointments or votes.

Lists permissible parliamentary actions at joint session, sets requirements for such actions to be received, and establishes parameters for debate of such actions.

Lists permissible motions related to a state's electoral appointments and permissible objections related to a state's electoral votes and establishes related procedures.

Prescribes the effect of various counting-related actions on the whole number of electors appointed for purposes of the Twelfth Amendment of the Constitution of the United States.

### **Section 11: Protection of Tabulation and Certification**

Prohibits the willful refusal of any person to count valid votes in a presidential election or to certify the election of the candidates receiving sufficient such votes to be elected to office and provides for related enforcement mechanisms.

### **Section 12: Severability**

Provides for severability of the Act.